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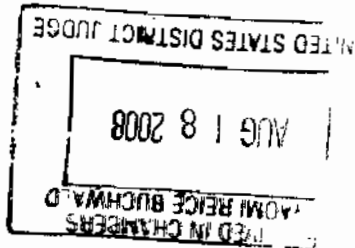
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August 18, 2008

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## Sent via Facsimile

The Honorable Naomi R. Buchwald  
United States District Court for the  
Southern District of New York  
500 Pearl Street, Room 2270  
New York, NY 10007



RE: Carotek, Inc. v. Kobayashi Ventures, LLC; Civil No. 07 cv 11163  
and  
Event Capturing Systems, Inc. v. Kobayashi Ventures, LLC; Civil No. 08 cv 5706  
(Consolidated on 7/18/08)

Dear Judge Buchwald:

This letter follows-up the letters to you of both Kobayashi Ventures and Carotek dated August 5 and August 6, 2008, respectively.

The parties are pleased to inform you that we now have consensus on a briefing schedule for dispositive motion filing on issues relating to liability under the licensing agreement. For point of reference, discovery regarding liability under the licensing agreement concluded on July 11, 2008. The briefing schedule on which we have consensus is as follows:

September 3, 2008 for the liability motion deadline  
September 24, 2008 for the response/opposition  
October 15, 2008 for reply

So Ordered:  
*Naomi R. Buchwald*  
8/18/08

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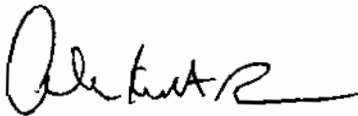
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The Honorable Naomi R. Buchwald  
August 18, 2008  
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If this briefing schedule meets with your approval, then we would respectfully request that the Court order that such deadlines are in place. If you would like to receive a form of proposed order substantively providing for this, then we promptly will submit that to you. Meanwhile the parties are operating under these deadlines for such filings. The parties also have agreed to proceed with discovery related to the other aspects of this matter as raised in the Amended Complaint and the Counterclaim.

Thank you for your kind consideration.

Respectfully Submitted,



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Alexia Kent Bourgerie  
Counsel for Kobayashi Ventures



Raymond R. Castello  
Counsel for Carotek, Inc.

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